United Nations S/2004/548

Security Council

Distr.: General
9 July 2004

Original: English

Letter dated 6 July 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1312 (2000) of 31 July 2000, which established the United Nations Mission in Ethiopia and Eritrea (UNMEE).

As you are aware, Major-General Robert Gordon (United Kingdom of Great Britain and Northern Ireland) has served as the Force Commander of UNMEE since 1 November 2002. As his tour of duty is coming to an end, I would like to acknowledge the exemplary dedication and professionalism with which he has served in this important peacekeeping operation.

Following the usual consultations, it is my intention to appoint Major-General Rajender Singh (India) as UNMEE's next Force Commander. He is expected to arrive in the mission area in the second half of July 2004.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-41951 (E) 090704

United Nations S/2004/549

Security Council

Distr.: General
9 July 2004

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Letter dated 9 July 2004 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 6 July 2004 (S/2004/548) concerning your intention to appoint Major-General Rajender Singh (India) as Force Commander of the United Nations Mission in Ethiopia and Eritrea (UNMEE), has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) Mihnea Ioan **Motoc**
President of the Security Council

04-41944 (E) 090704

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Security Council

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9 July 2004

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Report of the Secretary-General concerning the credentials of the deputy representative of the Russian Federation on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale, dated 2 July 2004, from the Permanent Mission of the Russian Federation to the United Nations, stating that Mr. Konstantin K. Dolgov, has been appointed deputy representative of the Russian Federation on the Security Council.

In the opinion of the Secretary-General, this communication constitutes adequate provisional credentials.

04-41957 (E) 090704

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Security Council

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15 July 2004

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Letter dated 15 July 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and in accordance with paragraph 10 of the same resolution, I have the honour to transmit herewith the report of the Group of Experts.

In this connection, the Committee would appreciate it if the present letter, together with its enclosure, were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Abdallah **Baali**
Chairman
Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

04-41980 (E) 190704

Letter dated 9 July 2004 from the Coordinator of the Group of Experts on the Democratic Republic of the Congo addressed to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004)

On behalf of the members of the Group of Experts on the Democratic Republic of the Congo, I have the honour to transmit herewith the report of the Group of Experts, in accordance with paragraph 10 of Security Council resolution 1533 (2004).

(*Signed*) Léon-Pascal **Seudie**
Coordinator
Group of Experts on the Democratic Republic of the Congo

(*Signed*) Kathi Lynn **Austin**

(*Signed*) Victor **Dupere**

(*Signed*) Jean-Luc **Gallet**

Contents

		Paragraphs	Page
I.	Introduction	1–6	5
II.	Methodology	7–17	6
III.	Background	18–25	8
IV.	Border porosity and arms trafficking	26–38	10
	A. General information	26–28	10
	B. State and institutional deficiencies	29–31	10
	C. Porosity	32–37	11
	D. Borders as sources of revenue for armed groups	38	13
V.	Air transport and trafficking	39–64	15
	A. General information	39–43	15
	B. Irregular aircraft practices the norm	44–45	16
	C. Inadequacy of air-traffic-control services	46–47	17
	D. Uncertainty over control in Ituri and the Kivus	48–50	17
	E. Differentiating military from civilian flights	51	18
	F. Unregulated internal movement of weapons	52–54	18
	G. Commander of the Air Force, influx of weapons and suspect military flights	55–59	20
	H. Lack of proper coordination and need for modalities	60–64	20
VI.	Aiding and abetting	65–84	22
	A. Case of Rwandan support for the mutinous forces of Mutebutsi and Nkunda	65–67	22
	B. Rwanda as a rear base for regroupment	68–71	22
	C. Recruitment	72–73	23
	D. Mutebutsi's weapons	74–76	24
	E. Special protection	77	24
	F. Preparations for military activities inside the Democratic Republic of the Congo	78–82	25
	G. Forced recruitment in support of Nkunda's war preparations	83–84	25
VII.	Involvement of foreign forces	85–100	26
	A. Forces démocratiques pour la libération du Rwanda	85–90	26
	B. Rwandan forces inside the Democratic Republic of the Congo	91–100	27
VIII.	Military alliances with uncontrolled armed groups	101–108	29
	A. Support to dissident proxy forces	102–105	29
	B. Alliance of convenience	106–108	30

IX. Recommendations 109–131 30

A. Border control and customs measures 110–117 30

B. Effective air-traffic monitoring and control 118–120 32

C. Aiding and abetting 121–127 32

D. Enhancing the capacity of the United Nations Organization Mission in the Democratic Republic of the Congo 128–130 33

E. Continued monitoring 131 33

Annexes

I. Countries visited and representatives of Governments, organizations and other entities interviewed 34

II. Draft agreement signed by the Sudanese (SPLA) and Congolese (Haut-Uélé District) parties at Aba on 6 October 2003

III. Daily traffic sheet of Lubumbashi airport for 3 June 2004

I. Introduction

1. Pursuant to Security Council resolution 1493 (2003) of 28 July 2003, the Security Council imposed an arms embargo, for an initial period of 12 months, in which all States, including the Democratic Republic of the Congo, were required to prevent the direct or indirect supply, sale or transfer of arms and any related material and the provision of any assistance, advice or training related to military activities to all foreign and Congolese armed groups and militias operating in North and South Kivu and Ituri and to groups not party to the Global and All-Inclusive Agreement on the Transition, in the Democratic Republic of the Congo.

2. In paragraph 72 of his fourteenth report on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) (S/2003/1098), the Secretary-General proposed a three-tiered approach to addressing the effective monitoring and implementation of the arms embargo. Under the first tier, MONUC collects and categorizes information in accordance with its means. Under the second tier, a group of technical experts collects and conducts preliminary investigations of information both within the Democratic Republic of the Congo and in other countries and reports to the third tier, a sanctions committee.

3. By a statement of its President dated 19 November 2003 (S/PRST/2003/21), the Security Council reaffirmed its determination to closely monitor compliance with the arms embargo imposed in resolution 1493 (2003) and expressed its intention to address the problem posed by the illicit flow of weapons into the Democratic Republic of the Congo, including by considering the possible establishment of a monitoring mechanism.

4. In paragraph 10 of its resolution 1533 (2004) of 12 March 2004, the Security Council requested the Secretary-General, in consultation with the Security Council Committee established pursuant to the same resolution, to appoint, for a period expiring on 28 July 2004, a group of experts to perform the following tasks:

(a) To examine and analyse information gathered by MONUC in the context of its monitoring mandate;

(b) To gather and analyse all relevant information in the Democratic Republic of the Congo, countries of the region and, as necessary, in other countries, in cooperation with the Governments of those countries, on flows of arms and related materiel, as well as networks operating in violation of the measures imposed by paragraph 20 of resolution 1493 (2003);

(c) To consider and recommend, where appropriate, ways of improving the capabilities of States interested, in particular those of the region, to ensure that the measures imposed by paragraph 20 of resolution 1493 (2003) are effectively implemented;

(d) To report to the Council, through the Committee, on the implementation of the measures imposed by paragraph 20 of resolution 1493 (2003), with recommendations in that regard;

(e) To keep the Committee frequently updated on its activities;

(f) To exchange with MONUC, as appropriate, information that might be of use in the fulfilment of its monitoring mandate;

(g) To provide the Committee with a list, including supporting evidence, of those found to have violated the measures imposed by paragraph 20 of resolution 1493 (2003) and those found to have supported them in such activities, for possible future measures by the Council.

5. In a letter dated 21 April 2004 addressed to the President of the Security Council (S/2004/317), the Secretary-General appointed the following individuals to the Group of Experts: Kathi Lynn Austin, arms-trafficking expert (United States of America), Victor Dupere, air navigation expert (Canada), Jean-Luc Gallet, customs expert (France) and Léon-Pascal Seudie, police expert (Cameroon). The Panel was assisted by a political affairs officer.

6. The Group of Experts received invaluable support, in terms of both information and logistics, from MONUC both in the Democratic Republic of the Congo and in neighbouring countries, and wishes in particular to thank the Special Representative of the Secretary-General for the Democratic Republic of the Congo, William Lacy Swing. In line with the three-tiered approach set out in resolution 1533 (2004), the Group of Experts has considered information provided to it by MONUC as a springboard for some of its further investigations, and the Group values the close collaboration it has developed with MONUC in line with the respective mandates. The Group also wishes to thank the Office of the Special Representative of the Secretary-General for the Great Lakes Region of Africa, based at the United Nations Office at Nairobi, for its administrative support.

II. Methodology

7. The amount of time allocated to the Group of Experts to bring its work to fruition was a key factor in determining the methodology it adopted. Given its 10-week mandate, the Group of Experts, in prior consultation with the Committee, opted for a case-study approach. As such, from its inception, the Group of Experts conveyed that its report should be considered as a foundation report, focused on a set of specific cases reflecting a balanced approach, rather than as a comprehensive and all-encompassing account of arms flows and related activities in the Democratic Republic of the Congo. During its time in the field, the Group scrupulously abided by the Security Council's request to keep the Committee informed of its activities by submitting detailed bimonthly updates.

8. Time constraints were a critical factor underpinning the geographical domain elected by the Group of Experts. Given the proximity and alleged involvement of Rwanda and Uganda in Ituri and the Kivus, the Group of Experts decided to prioritize its focus on the border areas between the eastern part of the Democratic Republic of the Congo and western Rwanda and Uganda. On this premise, the Group assessed 21 primary and ancillary border areas and surveyed Lakes Albert and Kivu extensively within a six-week period. Furthermore, aerial surveys were conducted in the area around Bunia, Fataki, Mahagi and Boga in Ituri and in areas surrounding Beni and Walikale in North Kivu. All assessments and surveys are backed by photographic evidence.

9. Owing to United Nations security restrictions and logistical constraints, the Group at times had to reschedule or postpone field assessments, in particular in such areas as Lubumbashi (Katanga), Isiro, Aba and Faradje (Oriental) and a number of airstrips in Ituri. The Group also lost valuable time by being denied direct access

from Rwanda into the Democratic Republic of the Congo by the Government of Rwanda.

10. In accordance with its mandate, the Group of Experts examined and analysed only information pertaining to suspected violations of the arms embargo as from 28 July 2003, with particular focus on more recent and ongoing violations that more aptly represent the current dynamics in the region, which include heightened political volatility and security concerns.

11. The Group of Experts construes as equally relevant to its mandate the direct or indirect supply, sale or transfer of arms and any related materiel, the encroachment of foreign government troops into the Democratic Republic of the Congo, the provision of assistance, advice or training related to military activities, the unimpeded access of leaders of Congolese armed groups to neighbouring countries, in particular to recruit demobilized combatants or civilians, whether forcibly or not, the passage through neighbouring countries to outflank opposing troops in the Democratic Republic of the Congo, the use of neighbouring countries as a retreat, rear base or safe haven and the illicit internal movement of weapons within the Democratic Republic of the Congo. All such actions constitute a threat to peace and security in the region.

12. In all countries visited, the Group of Experts interacted with government and military officials, MONUC and United Nations agencies, the diplomatic corps, relevant local officials, civil society, non-governmental organizations and other targeted sources. Interaction with Governments included collegial briefings with relevant representatives of the State along with individualized meetings in specialized areas. The Group also submitted to the Governments of Rwanda and Uganda questionnaires on specific areas of interest to the Group, including border security concerns and civil aviation. While actively, constructively and openly engaging with Governments, the Group gave them equal opportunity to exchange information and ideas, provided them with the broadest possible leeway to respond to its queries and, when possible, made alterations to its travel schedule to accommodate them.

13. During its interaction with Governments, entities and individuals, the Group of Experts sought views on practical and short- to medium-term measures to improve compliance with the arms embargo. It is against this backdrop that the Group considers that the series of recommendations set out in the present report represent a concerted and consensual approach to the resolution of the illegal flow of arms and related activities in the Democratic Republic of the Congo. The Group has also familiarized or improved the awareness of government officials and, indeed, all interlocutors regarding the arms embargo and its implications.

14. In view of the fact that the Security Council mandated the Group of Experts to report on non-compliance with and violations of the arms embargo, the Group has striven to meet the highest evidentiary standards available to a non-judicial body. In the absence of judicial recourse, it considers as "beyond a reasonable doubt" the information obtained from or volunteered by at least three credible and independent primary sources or two such sources in addition to expert observations in situ. It has used its best judgement in assessing the relevance of the information collected from primary and secondary sources before coming to a considered and unanimous view.

15. Throughout its mandate, the Group of Experts has made a point of being physically present in areas of concern to obtain first-hand information and make first-hand assessments. It also made every attempt to meet with representatives of armed groups and dissident factions. For instance, it interacted with the former and current leaders of the Parti pour l'unité et la sauvegarde de l'intégrité du Congo (PUSIC), Kahwa Mandro Panga and Kisembo Bitarama, the leader of the Forces populaires pour la démocratie au Congo (FPDC), Thomas Unencan Uketha, the Chief of Staff of the Forces armées du peuple congolais (FAPC), Emmanuel Ndungutse, and dissident commander Jules Mutebutsi. The Group is aware of at least two instances in which its mere presence in the field had a deterrent effect on the activities it had come to investigate.

16. The cases outlined in the present report were selected in accordance with a pre-established set of interrelated criteria, including the reliability of the sources and the existence of corroborative documentation to further substantiate allegations. The many cases that do not meet the requirements were not included in the report pending further investigation.

17. In the light of the political volatility prevailing in the region, the Group of Experts also places particular emphasis on impartiality, fairness, transparency and even-handedness in its selection process. It is for this reason, but also owing to the fact that time constraints have in some instances precluded the Group from completing its investigations and providing sufficient right of reply to Governments, entities and individuals it interacted with, that it refrained from establishing the list requested in paragraph 10 (g) of resolution 1533 (2004). The Group of Experts had conveyed this possibility when it initially met with the Committee in New York on 5 May 2004.

III. Background

18. Peace and security continue to be elusive in the Democratic Republic of the Congo. Many positive steps have been taken since the signing of the Global and All-Inclusive Agreement on the Transition and the subsequent establishment of the transitional Government. However, areas of particular relevance to the Group of Experts, including military integration; disarmament, demobilization and reinsertion; disarmament and community reinsertion in Ituri; reform of the police; disarmament, demobilization, repatriation, reintegration and resettlement; and the extension of State administration and authority, have advanced modestly.

19. The normalization of relations between the Democratic Republic of the Congo and its neighbours to the east, Rwanda and Uganda, has also progressed, despite episodic relapses, in particular with Rwanda. Progress is due largely to sustained bilateral and multilateral diplomatic efforts.

20. The functioning of the transitional Government has been marred by the political and military machinations of different actors and stakeholders both inside and outside the Democratic Republic of the Congo as they continue to pursue military aims to forward their own political and financial agendas. During the eight weeks that the Group of Experts spent in the field, there was an unsuccessful coup attempt against the transitional Government in Kinshasa, a serious military confrontation in South Kivu between the Forces armées de la République démocratique du Congo (FARDC) and mutinous forces, the subsequent build-up of

opposing troops in the Kivus, operations to expel Sudanese People's Liberation Army (SPLA) troops from northern parts of the Democratic Republic of the Congo, attacks on MONUC and its personnel and continued military activities, including offensives, of armed groups, mainly in Ituri.

21. Recent events in the Kivus represent a significant setback in the normalization of relations between the Democratic Republic of the Congo and Rwanda and indicate that, despite the withdrawal of its troops in October 2002, Rwanda, which has legitimate security concerns in the eastern part of the Democratic Republic of the Congo, continues to play a destabilizing role there. Albeit diffuse, the role of Uganda, in particular in Ituri province, should not be overlooked. The sovereignty of the Democratic Republic of the Congo continues to be challenged not only by the intervention and military support provided by Rwanda and Uganda to its allies or proxy forces in the Democratic Republic of the Congo, but also by the presence of foreign armed groups such as Forces démocratiques de libératon du Rwanda (FDLR) and Allied Democratic Forces on its soil.

22. Shortly before the imposition of the arms embargo, there was a noticeable upsurge in supplies to armed groups in the border areas of the eastern part of the Democratic Republic of the Congo. Those supplies supplemented the existing stock of arms, including residual weapons that remained after the withdrawal of Rwandan and Ugandan troops. However, with the intervention of "Operation Artemis" by the Interim Emergency Multinational Force in mid-2003 in Ituri province, regular supplies by air, water and land were stymied. Artemis applied necessary reconnaissance, information and interdiction assets that enabled it to limit resupply in its theatre of operations.

23. The replacement of the Force by a less-equipped MONUC force at first created an environment more propitious for the resumption of weapons trafficking and other logistical support to key actors in Ituri and the Kivus. With the gradual deployment of the Ituri Brigade outside of Bunia, MONUC forces were better positioned to fill the power vacuum in the more remote areas.

24. Under resolution 1493 (2003), MONUC was given the task of monitoring the arms embargo at a time when it lacked both the human resources and the technical assets to face its own operational priorities and deployment constraints, particularly in Ituri and later in the Kivus. Under those conditions, the Mission's limited arms-monitoring capability was stretched to the limit, although MONUC fully appreciated the importance of the task. It is in this context that the three-tiered monitoring mechanism was established under resolution 1533 (2004).

25. During its time in the field, the Group of Experts identified a number of channels through which direct and indirect assistance was being provided to armed groups operating in Ituri, the Kivus and in other parts of the Democratic Republic of the Congo, both by neighbouring countries and from within. This ongoing assistance, which includes the supply of arms and ammunition, continues to threaten the stability of the transitional Government and, if unchecked, could lend itself to a renewed outbreak of hostilities and further jeopardize regional stability.

IV. Border porosity and arms trafficking

A. General information

26. The Democratic Republic of the Congo is a vast, quasi-landlocked country that shares its 9,000-kilometre border with nine countries. In the east alone, the border, a significant portion of which is formed by lakes, extends from Uganda to Zambia over some 2,500 kilometres. The Democratic Republic of the Congo shares Lake Albert and Lake Edward with Uganda, Lake Kivu and the Ruzizi River with Rwanda and Lake Tanganyika with Burundi and the United Republic of Tanzania. In addition, the Democratic Republic of the Congo has a massive unregulated airspace spanning most of central Africa. As discussed in a separate section, there are more airstrips than workable roads in the Democratic Republic of the Congo, making it permissible for largely unmonitored internal and international flights. The expanse and geographical characteristics of the country make it vulnerable to traffickers and smugglers.

27. The transitional Government exerts little or no authority over extended parts of the eastern border. For instance, in Ituri, cross-border trade is controlled by armed groups that reap substantial benefits, in terms both of tax-generated revenue and easy access to commodities, both licit and illicit, from abroad. Controlling border areas is also of major strategic relevance, because it allows for a timely retreat to neighbouring countries when needed. The Group of Experts concluded that most of the Ituri armed groups and dissident forces operating in the eastern part of the Democratic Republic of the Congo would be considerably constrained financially, logistically and militarily if denied the direct and indirect support received from officials and business partners operating in immediate cross-border areas as well as freedom of movement across those borders.

28. The porosity, permeability and permissibility of the country's borders to the east constitute the most critical factor undermining the ability of the transitional Government in Kinshasa and of the international community to monitor the flow of weapons and other illicit commodities into the Democratic Republic of the Congo, whether by commercial arms merchants or foreign government suppliers.

B. State and institutional deficiencies

29. In accordance with its mandate, the Group of Experts considered the adequacy of border, immigration and airspace control systems in the region for the purpose of detecting the movement of arms and related material across national borders in violation of the sanctions imposed by the Security Council. Effective monitoring at land and sea crossing points as well as in the airspace is vital for the detection of illicit trafficking. In this context, the Group found that local, regional and international capacities, controls and surveillance are weak or totally inadequate in detecting or acting as a deterrent to the arms traffickers supplying embargoed entities within the Democratic Republic of the Congo.

30. As an institutionally weak State, the Democratic Republic of the Congo significantly lacks control over both customs and immigration at its 83 formal border posts, of which 27 are in Ituri and the Kivus. In some instances, State administration and authority is not present at all. The Director-General of the

immigration service informed the Group of Experts that he had no authority over border posts in Ituri or in North and South Kivu. Where the State nominally does exert authority, it is only partial. The Group interviewed numerous customs officials in the eastern part of the country whose power or authority to carry out their regular official duties was minimal. Furthermore, even token officials were excused from their posts at about 6 p.m. The Group saw and has documented a number of suspicious movements of trucks and personnel at border crossings after normal working hours, when borders fall under the exclusive control of the military.

31. The Group of Experts noticed similar problems in both Uganda and Rwanda. In the Ugandan border town of Paidha, local customs officials told the Group of their concern for their own security at night and of their powerlessness to stop the regular nocturnal movement of trucks across the border into the Democratic Republic of the Congo in blatant violation of normal customs, immigration and police procedures. Similar incidents were relayed by officials not only at remote border crossings, but also at major crossing points for transit goods. Police and military connivance facilitates the movement of illicit cargo. A number of customs officials explained that this complicity was the key reason behind their own inability to intervene or to interdict suspect cargo. In other cases, border posts were located in such insecure areas that customs officials had been relocated to positions further inland for their own protection.

C. Porosity

1. Roads

32. There is ample opportunity to traffic weapons into the Democratic Republic of the Congo by means of trucks and other vehicles transporting them overland and by individuals and troops carrying them. This is facilitated by the fact that much of the movement across borders involves informal trade conducted by people on both sides who share the same ethnic origin, family ties or political agendas. The Group of Experts observed that cross-boundary trade at remote border crossings was unregulated and taxes were seldom levied. Border markets, particularly in remote areas accessible to armed groups, also play an important role in the dissemination of arms. Small quantities of arms are purchased, and ammunition is available on the black market.

33. The Group of Experts has received and analysed numerous reports of trucks allegedly ferrying weapons and logistical materiel to the Democratic Republic of the Congo through the Ugandan border posts of Arua, Paidha and Mpondwe and the Rwandan border posts of Gisenyi and Cyangugu. It was able to collect from multiple credible and independent eyewitnesses detailed information on trucks allegedly used to transport weapons and related materiel, such as dates and routes used. However, such information has been difficult to confirm after the fact, in particular because the end-users are usually armed groups that exert tight control over their populations. More importantly, the Group was unable to travel to some of the areas concerned.

2. Lakes

34. The use of inter-State lakes to traffic arms and other illicit commodities is of equal concern to the Group of Experts. After having assessed numerous ports in

Lake Albert, for instance, it has found that local authorities on the Ugandan side, including at Ntoroko, Butiaba and Wanseka, lack basic requirements to aptly monitor trading activities or have formed alliances with leaders of Ituri armed groups and Congolese transporters and traders to create illicit networks for the smuggling of both normal and contraband goods. The networks involve the connivance of multiple local authorities in Uganda, such as military, police and customs officials, with most of the trade at such ports conducted by Congolese.

35. There are few or no marine patrols to control the illicit trade of arms or the movement of troops, particularly at night. At several lakeside ports in Uganda, the Group of Experts often found the local marine patrol grounded or without sufficient fuel to conduct meaningful patrols.

36. Security on the lakes is also problematic, creating an environment in which normal traders are less likely to ply their goods, leaving most of the transport and business dealing in the hands of unscrupulous brokers. The Group of Experts interviewed the local police and regional military commander, who stated that protecting boats travelling in convoys, as well as local Ugandan fishermen and transporters, from piracy and theft was their primary security concern, for which they had few assets.

Case of Ntoroko port and Ituri armed group leader Chief Kahwa

Ntoroko is a Ugandan port on the southern tip of Lake Albert. It is the most convenient passage to and from the Iturian ports of Tchomia and Kisenyi, respectively controlled by former PUSIC colleagues Chief Kahwa and Chief Kisembo. Numerous interlocutors informed the Group of Experts that both of those armed group leaders passed through Ntoroko regularly on their way to Kampala with the assistance of local Ugandan authorities. Both Kahwa and Kisembo had last been seen in Ntoroko returning from meetings in Kampala with Ugandan officials the day before the Group conducted its assessment there.

Ntoroko has no accredited resident immigration officer. When the Group of Experts visited the port, the acting immigration officer, who was in fact from the police force, was on leave. The Group was informed that when Congolese nationals arrived in Ntoroko for travel further inland, they were requested to register in the regional customs office in Fort Portal, approximately two hours' drive away. The Group went to Fort Portal to verify that information. It found no mention of either Kahwa or Kisembo in the registers, which contained only a small number of Congolese names.

Trade in Ntoroko is very much in the hands of the Congolese, nearly to the exclusion of their Ugandan counterparts. Kahwa has direct business interests in the Ugandan port town. He exports, for example, fish products through Ntoroko and imports liquor and foodstuffs from there into Ituri. Despite claims made by the local customs official that Uganda did not import produce from Ituri, the Group observed the presence of quantities of Congolese beer, Kitindi clothing and timber and was told that they were brought across the lake from the Democratic Republic of the Congo.

During its assessment of Ntoroko in Uganda and of Tchomia and Kisenyi, the two Congolese ports directly across the lake in the Democratic Republic of the Congo, the Group of Experts confirmed that Kahwa had been able to establish a financial and logistical network spanning both sides of the lake to support his political and military agendas. Using his political and business muscle, Kahwa has tried to compel merchants to use Tchomia port rather than Kisenyi as an entry point into the Democratic Republic of the Congo because if Kisenyi were used he would lose out on taxes on imports collected there by Kisembo. In addition to normal import taxes, a special "Kahwa tax" was levied on merchants trading in Tchomia.

The Group of Experts believes that Ugandan complicity in the support given to Kahwa, who has formed part of a network on Ugandan territory, is in violation of the arms embargo, although Kahwa in a tape-recorded interview told the Group that the supplier of his weapons was Rwanda.

37. As for Lake Kivu, a number of credible sources report suspicious ongoing traffic to and from the Kivus. The traffic reportedly consists of military materiel and ammunition, recently recruited Congolese returning from Rwanda for active military service within the ranks of mutinous forces in the Democratic Republic of the Congo and Rwandan government troop movement. Although such claims were persistently reported and are supported by satellite imagery and other surveillance documentation, the Group of Experts had insufficient time to independently confirm the allegations. Nevertheless, it concluded that it was highly likely that the claims were true and that such activities should remain a primary target of monitoring. However, in March and April 2004 MONUC personnel discovered arms and ammunition caches hidden in the waters of Lake Kivu on the Democratic Republic of the Congo side near areas in Bukavu recently controlled by Mutebutsi's mutinous forces. According to local reports, the weapons and ammunition were brought over from Rwanda by pirogue at night and dropped in the water with a bamboo stick demarcating the hiding place. The material was retrieved the following evening by its intended recipients. In one such cache, a relatively newly manufactured South African R-5 rifle was discovered. Upon tracing its origin, the Group learned that it was part of an inventory previously supplied to Rwanda by means of a licensed purchase from South Africa.

D. Borders as sources of revenue for armed groups

38. As noted in the case study above, the control of borders is a prized asset for armed groups, allowing them to generate the revenue necessary to maintain and resupply themselves and providing substantial income to their leaders for ongoing payment of troops and the purchase of military and logistical supplies, in clear violation of the sanctions regime. Like Kahwa, Commandant Jerome, the leader of the Ituri armed group FAPC, has conspired with Ugandan business and political leaders to put in place a network that generates import and transit tax-related revenue on both sides of the border and in turn enjoys ongoing political, military and financial ties with Uganda.

Case of Ugandan transit trade and the Forces armées du peuple congolais

FAPC controls a significant part of the border between the Democratic Republic of the Congo and Uganda with its three prize possessions with respect to border trade: Aru and Ariwara in the north and, further south, Mahagi town.

Commandant Jerome and his men have unimpeded access to Uganda, although FAPC tightly controls its side of the border with the help of Ugandan troops in the Democratic Republic of the Congom as directly observed by the Group of Experts. In fact, the Group was later informed that Chantal Tabu Leti and Guillaume Kambale, the local immigration officials, were arrested on 7 July 2004 by the FAPC chief of staff for allowing the Group's entry into Aru.

In contrast, Jerome's political and business connections in Uganda allow him freedom of movement and regular trade with partners in Arua. It is apparent from detailed discussions with sources in Arua that Jerome spends most nights there, in various hotels or at the homes of business partners, while his own family resides in Kampala. During the Group's visit to Arua, it observed Jerome's vehicle being serviced there and met on different occasions with his "Minister for Foreign Affairs" and Chief of Staff, who were both in Arua conducting their regular business.

Jerome is the principal beneficiary of a somewhat flawed "transit goods" system. The Democratic Republic of the Congo, Rwanda and Uganda are all members of the Northern Corridor Transit Agreement, which permits transit goods crossing their territories to remain sealed and free of inspection. Although procedures may be in place to inspect paperwork, physical inspections occur rarely, especially if the cargo is declared "in transit". The minimum requirement to curb trafficking is a physical inspection of all transit goods crossing into areas of the Democratic Republic of the Congo that are under the control of embargoed parties.

There is general recognition within the Ugandan customs service that the transit system is flawed and subject to abuse. It is not uncommon for transit goods entering the Democratic Republic of the Congo from Uganda to be offloaded in the Democratic Republic of the Congo and trucked back into Uganda via regular border crossings. The goods are then sold tax-free in local markets and the profits are shared between Ugandan officials and their Congolese counterparts. Much of the revenue of FAPC, in particular from fuel, cigarettes and soft drinks, is generated in this manner. This ensures its leader, Commandant Jerome, sufficient revenue to purchase weapons or build hotels. He is also known to have bartered tax-free motorcycles in exchange for SPLA weapons.

At the time of the Group of Experts' visit to Mahagi, it was reported that Jerome maintained a business partnership to keep a working peace with FPDC and the Front des nationalistes et intégrationistes (FNI) by sharing the revenue generated by imports, with FNI receiving 40 per cent, FPDC 10 per cent and FAPC 50 per cent .

V. Air transport and trafficking

A. General information

39. There are more than 450 known airports and airfields in the Democratic Republic of the Congo although fewer than 3 per cent have paved runways. Others are dirt and grass strips of a very small dimension that are most commonly used by local airlines for commercial, humanitarian or religious purposes or by illicit operators violating the airspace of the Democratic Republic of the Congo to transport military equipment or precious commodity cargo to and from areas controlled by embargoed parties. Some of these remote airfields are long enough to accommodate medium-weight aircraft, such as the Antonov 26 and 28 models, which carry superior tonnage. Main tarmac and dirt roadways are also used as airstrips, as in the case of Walikale and Mubi in North Kivu, where the Group of Experts witnessed illicit aircraft movements. In the case of Mubi, the flight was illicit because landing on a road is forbidden and civilian authorities were denied access to the aircraft by the military, as the aircraft was transporting a large shipment of cassiterite.

40. The Group of Experts conducted its own aerial survey in Ituri, travelling to airfields in such areas as Bunia, Fataki, Mahagi, Boga and Beni. In addition, the Group obtained data on 143 of the smaller and out-of-the-way airstrips and more than 60 radio frequencies used by flight missions when travelling to those locales. Many of those runways and frequencies had not been identified or registered by either MONUC or the civil aviation authority of the Democratic Republic of the Congo. The Group's data include the condition of the landing areas as well as their respective coordinates from the Global Positioning System coordinates. It is these remote and unmonitored strips that are allegedly used to deliver illicit weapons. The Group intends to utilize its data to help the civil aviation authority gain a useful knowledge of such airstrips and to assist MONUC in its arms embargo monitoring role.

41. In Ituri, the two major aerodromes are at Bunia and Beni, with monthly aircraft movements averaging 1,050 and 750 respectively. In the case of Bunia, more than 50 per cent of aircraft movements involve MONUC flights. The two major airports in the Kivus are at Goma in the north and Bukavu in the south, with each handling an average of 1,550 movements per month. More than 25 per cent of the flights pertain to MONUC aircraft. At some of these airports and elsewhere, MONUC has been assigned its own apron on which to park aircraft. During the recent military crisis in Bukavu, in June 2004, the Kavumu airport in Bukavu was the key asset seized by the mutinous forces of General Laurent Nkunda.

42. Due to United Nations security restrictions, the Group of Experts was not authorized to travel to key airstrips controlled by the Ituri armed groups nor to Aba, a strategic Congolese town bordering the Sudan, which is controlled by SPLA. In those areas, airstrips are under the control of different armed group leaders and are managed as private commercial businesses. Most of the flights entering those areas come from outside the Democratic Republic of the Congo, including neighbouring countries. Many of the landing strips are in places where precious commodities are located, and weapons are supplied to the local armed groups to ensure that they retain command over their fiefdoms. The landing strips provide ample opportunity for sanctions violations. The Group of Experts confirmed a major shipment of weapons to FAPC under Commandant Jerome's command in July 2003 just prior to

the implementation of the arms embargo. The Group also received credible reports of flights, including dates and details, originating from Uganda to Mongbwalu subsequent to the embargo, but did not have sufficient opportunity to conclude its investigation.

43. In areas controlled by the transitional Government, a multitude of operators provide air transportation for passengers and cargo both within the Democratic Republic of the Congo and to and from third countries. Approximately 15 companies are registered to operate scheduled flights in the Democratic Republic of the Congo. Those companies are in turn connected to an estimated 50 smaller companies through leasing, subleasing, chartering or other ad hoc arrangements. There is a significant number of aircraft flying in and to the Democratic Republic of the Congo that remain registered outside of the country, or that have dual registrations. However, some also carry other registrations of convenience, including from Burundi, Equatorial Guinea and Rwanda. Investigating the identification, multiple registration and location of many aircraft is of continuing interest to the Group of Experts. The Group is also concerned about aircraft leasing procedures, which do not include proper scrutiny of the certificate of airworthiness or of the qualifications of the crew.

B. Irregular aircraft practices the norm

44. Abusive or fraudulent practices regarding aircraft registration and identification, flight itineraries, and cargo manifests are commonplace in the Democratic Republic of the Congo, owing as much to the lack of State institutional capacity to bring them under proper control as to the deceptive methods used by illicit operators, at times with the complicity or active support of their military and political patrons. For instance, in July 2003, an Antonov 26 aircraft landed in Bunia. Once on the apron, the crew was permitted to paint a new registration number on the aircraft before its departure. The Group of Experts also received numerous reports of aeroplanes without registration identifications or markings mimicking United Nations aircraft operating in the region. Such practices are meant to make it difficult to track or monitor flight patterns and detect irregularities.

45. One case that the Group of Experts has been investigating involves an airline company indulging in irregular registration and flight-plan practices. On 1 June 2004, an Antonov 32 registered in Rwanda under registration number 9XR-SN departed from Goma on a flight plan to Beni. En route, the aircraft diverted its flight and stopped in Kigali airport before proceeding to Beni. Once alerted, the Beni airport authority denied landing authorization to the aircraft. The aircraft subsequently returned to Kigali airport where it crash-landed, the right undercarriage having collapsed. No major casualties were reported. Rwandan military personnel were observed disembarking the aircraft. The aircraft, operated by Mango Mat Airlines and owned by Sun Air Charter Limited, flies regularly out of Goma airport using different company names, such as "Flying", "PAC" and "FAC" on various flight plans. The Group requested from the Government of Rwanda a copy of the incident report, which has not been provided to date.

C. Inadequacy of air-traffic-control services

46. The lack of technologically advanced communication and radar equipment as well as untrained personnel add to the problem of weak airspace surveillance, not only in the Democratic Republic of the Congo but also in neighbouring countries, where aircraft violating the airspace of the Democratic Republic of the Congo are known to originate. In the Democratic Republic of the Congo, for example, many airports do not have basic equipment, such as that indicating altimeter setting, wind velocity and direction. Burundi, Rwanda and Uganda do not have radar coverage. In all four countries, inter- and intra-State communication systems are inadequate, and most control units have no recording facilities.

47. The Group of Experts assessed a number of airports and airfields currently under the nominal jurisdiction of the transitional Government in Ituri and the Kivus. Air navigation installations were found to be rudimentary, and air transportation services were precarious. At certain airfields, inadequate or outdated installations have been set up as a temporary measure. Those systems usually lack the most basic equipment required to monitor aircraft movements and to ensure the safe and orderly flow of air traffic. In most units, the only communication equipment available is first-generation high-frequency radios with a very limited range. Some control towers such as the one at Goma, have antiquated very-high-frequency transceivers. Most units do not have equipment showing wind speed, direction and altimeter setting, nor do they have communication with the adjacent air-traffic-control unit. Furthermore, there are no recording machines to register conversations between pilots and controllers.

D. Uncertainty over control in Ituri and the Kivus

48. The civil aviation authority in Kinshasa is officially called the Régie des voies aériennes (RVA). RVA is responsible for providing airport services, including apron control, but has no control over military parking areas. The extension of RVA to the rest of the Democratic Republic of the Congo is quite limited, particularly in Ituri and the Kivus. The airports in those provinces are not answering to RVA Kinshasa, but rather to local authorities. Long-serving RVA staff posted to those regions before the ousting of former Zairian President Mobutu are not paid on a regular basis, nor have they had official contacts with their counterparts in Kinshasa for over six years. Most of the more recently appointed RVA officials owe their positions and allegiances to local authorities, and many of those adjunct officials are neither properly qualified nor have they undergone refresher training for more than two decades. These bureaucrats function mainly to ensure that taxation and landing fees are collected for the local administration. Humanitarian agencies and non-governmental organizations report that they have suspended flights to certain key airports, such as the one in Beni, because of the high landing fees imposed, which they fear are being funnelled back into suspect military activities.

49. In most cases observed by the Group of Experts, expertise and motivation to conduct proper inspections is lacking. Local RVA and customs personnel verify civilian flights but have no jurisdiction over flights that are labelled "military". At some airports, such as at Bunia, where MONUC is present, the mission's military personnel also inspect incoming civilian aircraft.

50. In some cases the military control all incoming flights. For instance, in Mubi, in North Kivu, the local FARDC commander tried to prevent the helicopter the Group was travelling in from taking off, arguing that he had not received prior notification from the Commander of the eighth military region. Similarly, upon landing on the remote grass airstrip of Boga during another aerial survey, the Group of Experts was immediately surrounded by Front des nationalistes et integrationistes/Forces de résistance patriotiques en Ituri soldiers with AK-47s. The aeroplane was allowed to take off without incident once its humanitarian relief cargo had been unloaded by local people.

E. Differentiating military from civilian flights

51. A key problem making it difficult for the Group of Experts to ascertain illicit from licit flights was the ambiguity over whether flights in the Democratic Republic of the Congo and those arriving there from neighbouring countries were military or civilian in nature. Most aircraft within the Democratic Republic of the Congo carrying military troops, weapons and ammunition are registered as civilian craft. They are usually chartered by the military authorities. However, troops, weapons and ammunition are also transported on civilian-registered flights carrying civilian passengers and merchandise. This amalgamation makes it difficult to distinguish whether any given flight is of a military or civilian nature. As standard practice, civilian airport authorities have no jurisdiction over military flights and, at major landing fields, military flights are instructed to proceed to an area away from the main civilian apron for the offloading of military equipment and troops.

F. Unregulated internal movement of weapons

52. The lack of sufficient differentiation and of appropriate military and civilian oversight over flights carrying weapons and related materiel have created a loophole exploited by commercial aircraft using the cover of official military flights. Added to this problem is the failure of key military and political actors in the Democratic Republic of the Congo to notify the appropriate administration and command structures of the transitional Government regarding the internal transport of military cargo. As a result, the Group of Experts again found itself having difficulty determining whether a suspected internal movement of weapons was in violation of the embargo or was a result of internal military build-up, institutional deficiencies or incompetence. In the case set out below, the Group learned that an unauthorized internal movement of weapons was part of a strategy by the former Mouvement de libération du Congo (MLC) to regroup with weapons in an area under its control, which had a negative impact on confidence-building measures of the transitional Government. It remains unclear to the Group whether those weapons had been properly registered with the new integrated national army.

Case of Vice-President Bemba and the internal movement of arms

From 20 to 22 January 2004, a total of five Antonov 26 flights landed at Gbadolite airport from Basankusu on the orders of Mbiato Konzoli, Vice-President Jean-Pierre Bemba's military adviser in Gbadolite, with a considerable amount of arms, including heavy weapons, and ammunition on board. During this period, access to the airport was denied by ex-MLC troops to both MONUC military observers and civilian personnel in contravention of paragraph 19 of Security Council resolution 1493 (2003). When MONUC was eventually granted access, on 22 January, it conducted an inspection of one delivery of weapons. Notification of the movement of weapons was not given to the headquarters of the third military region commander. Mbiato and senior officer Franc Massao, the commanding officer of the airport battalion, at first attempted to deny the delivery of weapons to both the military region commander and MONUC, stating that the aircraft was carrying only ex-MLC officers and their families. Subsequently, the ex-MLC senior officers confirmed the weapon shipments.

The planes carrying the military materiel belong to a private aircraft company owned by the Vice-President. The planes, which he inherited from the military under the Mobutu administration, are often chartered by the military to transport official military cargo. As Minister of Finance, Bemba controls the military budget and determines the financial assets necessary to sustain air operations and military aircraft.

An official investigation was subsequently launched by the President's office and the military, which confirmed the irregular nature of the internal movement of weapons conducted under the authority of the Vice-President. An adequate explanation of events had not yet been received by either the ex-MLC senior officers or Vice-President Bemba himself.

The Group of Experts' repeated attempts, including a formal request, to meet with Vice-President Bemba were unsuccessful.

53. The case cited above raised another issue of concern for the Group of Experts. There is a lack of clear direction on the application of the arms embargo to groups that are parties to the Global and All-Inclusive Agreement and whose military units are being integrated into the new national army but that are stockpiling, procuring and moving around weapons without notifying the transitional Government in Kinshasa.

54. In trying to track sanctions-busting, the Group of Experts continuously found incidents where there was a lack of proper advance notification, communication, coordination and/or paperwork pertaining to internal flights of a military nature. As a result, the Group is still in the process of trying to determine whether certain cases constitute violations. Many of these examples, as noted above, involve the domestic movement of weapons outside of Ituri and the Kivus, thus illuminating the need for the monitoring mechanism to focus on suspect shipments elsewhere in the

Democratic Republic of the Congo that be sent onward to the embargoed areas in the eastern part of the country or to recipients elsewhere that are not a party to the Global and All-Inclusive Agreement, as revealed in the example set out below.

G. Commander of the Air Force, influx of weapons and suspect military flights

55. The Group of Experts received highly credible eyewitness reports of large quantities of arms and ammunition transiting through Lubumbashi airport on military flights between the months of February and May 2004 under the close supervision of Major General John Numbi, the Commander-in-Chief of the Democratic Republic of the Congo Air Force. Most of the flights arrived at night and were handled exclusively by military personnel.

56. One of the planes, a BAC 1-11, registration number 3C-QRF, was reported to be a Libyan aircraft nominally registered in Equatorial Guinea but based in Sharjah (United Arab Emirates), with a Romanian crew on board. General Numbi told the Group that this aircraft could transport two tons of cargo.

57. Irregular flight plan information pertaining to those flights was handed over to the local RVA by military personnel. The information contained the aircraft identification, the type of aircraft and the altitude requested but no record of the point of departure or the destination. On the daily traffic sheet, the missing information has been recorded numerous times as ZZZZ (see annex III). After takeoff, the aircraft climbed to the requested altitude without the crew having given any indication of route or direction or submitting the normally compulsory progress report upon leaving Lubumbashi airspace. Such practices not only engender suspicion, but also create an obvious hazard to other aircraft.

58. The Group met with General Numbi for clarification on the flights. According to him, the suspect plane belongs to Jetline Inc. of Equatorial Guinea and was previously chartered for the President of the Democratic Republic of the Congo. He stated that he was aware of only one such aircraft movement with the same crew on board transiting Lubumbashi from Durban, South Africa, for Kinshasa on 12 April 2004 carrying 20 passengers, including senior government officials. He stated that he had conducted his own investigation and had found the crew to be travelling with false passports.

59. The Group of Experts was later able to ascertain that the flight had been travelling from the Libyan Arab Republic and had originally landed in Kinshasa on 8 April with the Romanian crew. Vice-President Bemba had boarded the aircraft in Kinshasa. The aircraft had then travelled on to Durban through Lubumbashi. The Group has not found all of the pertinent information about the flights recorded on the daily traffic sheets and will continue to pursue its investigation.

H. Lack of proper coordination and need for modalities

60. While the Group of Experts was in the subregion, there was considerable troop movement related to the ongoing integration of various forces as well as the redeployment of already formed FARDC units, mainly from Kinshasa to the eastern part of the country, in the wake of the mutiny of Colonel Mutebutsi and General

Nkunda. Much of this troop movement garnered suspicion from many quarters, including MONUC, other United Nations agencies and local and international non-governmental organizations owing to a lack of communication between the transitional Government and relevant partners. Consequently, the Group of Experts met with Numbi, the Chief of the Congolese Air Force, to discuss internal military flights and a need for modalities in the spirit of cooperation pursuant to the mandate of MONUC and the arms embargo monitoring mechanism. Upon its request, the Group was provided with copies of all flights pertaining to troop movements. The Group recommends that modalities for better communication and coordination between MONUC and the transitional Government be established in future.

61. In another instance, the Group of Experts tracked a suspect delivery of weapons accompanied by military advisers to a case involving the importation into the Democratic Republic of the Congo of foreign arms for use by a MONUC contingent in February 2004. The weapons and trainers had been transported on an international flight to Kisangani airport. The notification to the transitional Government in Kinshasa had been delivered late, and neither the Commander of the ninth military region nor MONUC in Kisangani had been informed in advance of the delivery of this military materiel. While the Group is still investigating questions surrounding the irregular movements and activities of the relevant aircraft and its crew, it concluded that MONUC procurement, delivery and notification procedures needed to be tightened to prevent opportunities for abuse. Furthermore, modalities and communication channels pertaining to such flights need to be established between MONUC and the transitional Government.

62. In neighbouring Uganda, the Group of Experts tracked suspicious flights alleged to have originated in Uganda involved in trafficking across the Democratic Republic of the Congo border into areas controlled by embargoed parties in Ituri. In following up on such allegations, the Group found it difficult to distinguish between Uganda People's Defence Force (UPDF) military flights and civilian chartered aircraft.

63. UPDF also charters civilian planes, having mainly Eastern European registration, for military purposes, and they use only the military apron at Entebbe airport. The Group of Experts was informed that the Ugandan customs officials had no jurisdiction over those aircraft and that their movements were exclusively controlled by the military authority. As Uganda lacks a radar system that would allow it to track the flight path of aircraft leaving the airport, civilian authorities have no oversight over their destinations. The Group attempted to meet with Ugandan military authorities in Kampala and submitted a written questionnaire on the issue, as requested by them. They have yet to reply.

64. After considerable complaint from the Congolese authorities that aircraft coming from Uganda were violating the airspace of the Democratic Republic of the Congo and landing in areas not controlled by transitional Government officials, the Ugandan authorities prohibited the entry into the country of all incoming civilian flights from the Democratic Republic of the Congo, with the exception of MONUC and civilian flights chartered by the military. It was not until early in May 2004 that civilian flights from Uganda to the Democratic Republic of the Congo resumed, when a memorandum of understanding was signed. The Group of Experts recommends continued follow-up with Ugandan officials and investigation of suspect aircraft operating from Uganda, whether military or civilian.

VI. Aiding and abetting

A. Case of Rwandan support for the mutinous forces of Mutebutsi and Nkunda

65. The role of Rwanda, as a front-line State, was considered by the Group of Experts to be decisive for the effective implementation of the arms embargo. In accordance with its mandated tasks, the Group sought to determine what measures had been taken by Rwanda to prevent its territory from being used to aid and abet armed groups or militias in the Democratic Republic of the Congo. Shortly after the military confrontation in early June 2004 between FARDC and dissident military forces of the suspended deputy commander of the tenth military region, Jules Mutebutsi, in Bukavu, the Group travelled in two teams at different times to the Rwandan border area of Cyangugu and directly witnessed and documented Rwanda's non-compliance with the sanctions regime.

66. The Group of Experts concluded that Rwanda's violations involved direct and indirect support, in both the Democratic Republic of the Congo and Rwanda, to the mutinous troops of Jules Mutebutsi and Laurent Nkunda during their armed military operations against FARDC. Rwanda has also exerted a degree of command and control over Mutebutsi's forces. It became apparent to the Group of Experts during interviews with persons directly involved that certain businesses, as well as financial and political targets in Bukavu, had been spared on direct orders by Rwandan officials.

67. Bordering Bukavu, Cyangugu has been used strategically by Mutebutsi's forces as a rear base for military operations, including recruitment drives, inside the Democratic Republic of the Congo. The Group of Experts also documented that his forces had been ensured safe passage to Rwanda on at least two occasions during the recent crisis, once during the height of military confrontation in Bukavu for regroupment purposes and a second time as a rear retreat. Mutebutsi informed the Group that he had sought protection from Rwanda. From the safety of his Rwandan camp, Mutebutsi informed MONUC, which visited him there, that he would return to the Democratic Republic of the Congo "whenever he pleased".

B. Rwanda as a rear base for regroupment

68. On 8 June, 157 of Mutebutsi's troops, including 12 officers, crossed into Cyangugu from Bukavu, in small groups, at a regular border crossing known as Ruzizi 1. After being registered by Rwanda as refugees, the 12 officers were taken to the Rwandan military camp of Ntendezi, some 30 kilometres inland, while the others were installed in the United Nations High Commissioner for Refugees (UNHCR) transit centre of Nyagatare. Although credible eyewitness sources reported that Mutebutsi himself had crossed into Rwanda on the same day, the Group was not able to independently confirm the allegation. Wounded soldiers were hospitalized by the Rwandans both in Cyangugu and further inland in Butare.

69. After a lull in military activities, Mutebutsi and his troops redeployed to Kaminyola, to the south of Bukavu, in an area directly bordering Rwanda. After Mutebutsi and his troops forcibly occupied the Congolese border town and opened fired on a MONUC patrol, MONUC riposted forcefully. Subsequently, Mutebutsi

and his forces fled back into Rwanda, regrouping in Bugarama, which is located a few kilometres away, on the Rwandan side of the border. On 21 June, the Rwandan military reported taking Mutebutsi's forces into custody before escorting them, on Rwandan military trucks, to Ntendezi military camp. The Group of Experts attempted to visit Bugarama, where the Rwandan Defence Forces (RDF) maintain a military base, but was denied access to the actual border by Rwandan military personnel.

70. At the time of its multiple visits to Cyangugu, the Group of Experts observed that Mutebutsi had not disbanded his troops. Approximately 300 of them, in uniform, remained in a coherent command structure under the protection of Rwandan troops. The Group concludes that those troops remain a latent threat to the Democratic Republic of the Congo. Mutebutsi's forces remained in uniform in the camp. The Group documented the freedom of movement that Mutebutsi's troops enjoyed both inside the camp, which was not fenced or cordoned, and for travel outside. One key officer, Colonel Mukalay, admitted to having left the camp, travelled to Goma and returned to the camp at a time when the Group had been denied permission by the Government of Rwanda to cross the border into the Democratic Republic of the Congo, as it was temporarily sealed off. It is also illustrative that the Government of Rwanda has permitted Mutebutsi to speak to the press openly about his military ambitions, thus aiding in his propaganda campaign.

71. The Group of Experts is concerned that the regroupment within a Rwandan military camp where Rwandan officers, trainers and other troops are located affords immediate and unchecked access to military advice, training and logistical support on the part of Rwanda. Based on recruitment patterns it had already documented, the Group was concerned that the military camp, based within 10 metres of a large educational institution, afforded a substantial pool of potential youth for recruitment.

C. Recruitment

72. Between 5 and 6 a.m. on 18 June 2004, members of the Rwandan military entered the premises of the UNHCR transit camp in Cyangugu, rounded up 30 young men and forced them into one of their trucks. Some of the young men interviewed by the Group of Experts described having been taken to a police compound and then to a Rwandan military compound, where they were asked to enter into military service on behalf of Mutebutsi's forces inside the Democratic Republic of the Congo. Those interviewed believed that they were being forced into service and were returned to the UNHCR transit camp only after UNHCR and family members had exerted pressure on the Rwandan authorities to release them. On the same day, members of the Rwandan military also rounded up young Congolese men, some forcibly, in and around the Cyangugu market, reportedly for recruitment purposes. The Group was unable to ascertain their whereabouts.

73. In a separate incident, Rwandan officials, along with representatives from Congolese-based dissident forces, made an appeal to demobilized Rwandan and Congolese soldiers present in Cyangugu to return to active military service inside the Democratic Republic of the Congo. Some of those interviewed by the Group of Experts were offered monetary compensation by Rwandan officials, worth the equivalent of $100, or mobile phones to join Mutebutsi's forces in Kamanyola. Such

financial support from Rwanda is critical in helping Mutebutsi sustain payment of troops for military operations. It may be recalled that from approximately 2 to 9 June, Mutebutsi's and Nkunda's forces systematically looted areas of Bukavu, including $1 million to $3 million from the Central Bank, giving them ample cash for further recruitment as well as for the payment and supply of troops.

D. Mutebutsi's weapons

74. Mutebutsi informed the Group of Experts that the weapons that he had used during his military confrontation in Bukavu and Kamanyola were from supplies and stockpiles previously belonging to FARDC. When Mutebutsi was Deputy Commander of the eighth military region, arms and ammunition collected by MONUC during cordon and search activities were handed over directly to him for safekeeping. Mutebutsi retained those arms as his personal arsenal, even after his suspension.

75. When MONUC first cantoned Mutebutsi's forces in Bukavu on 29 May after the initial ceasefire was obtained, it did not disarm the mutinous troops. Following the quick retreat and rerouting of Mutebutsi's troops from Bukavu to Kamanyola, MONUC collected approximately 382 light and heavy weapons, 399 mortar shells and more than 100,000 rounds, or half a ton of ammunition. The weapons abandoned by the fleeing troops were found for the most part in Bukavu town or in the cantonment area of Camp Saio. The Group of Experts submitted the list of serial numbers of those particular weapons, as well as lists of all serial numbers pertaining to weapons collected by MONUC, to several embassies in Kinshasa for tracing.

76. The Government of Rwanda claims that when Mutebutsi fled to Rwanda from Kamanyola, it had disarmed his troops. During its visit to Cyangugu, the Group of Experts was denied permission by the Rwandan regional commander to view Mutebutsi's weapons. MONUC had reported that the weapons consisted of Kalashnikovs, lightweight machine guns, 12.7- and 7-millimetre machine guns, rocket-propelled grenades (RPG-7s), a few 81- and 120-millimetre mortars and two vehicles mounted with 80-millimetre mortars. Upon the completion of the Group's investigations, Mutebutsi's heavy weaponry was still unaccounted for, although it is highly likely that it is in storage in Rwanda.

E. Special protection

77. The Group of Experts believes that the special protection provided by neighbouring countries to the relatives and cohorts of the leaders of dissident forces and uncontrolled armed groups constitutes a form of support. As long as they feel that their own families are safe, these forces enjoy a psychological advantage. At the very onset of fighting, Mutebutsi relocated his family from Bukavu to Cyangugu, where they stayed at the Hotel du Lac on 28 and 29 May. According to credible eyewitness sources, Mutebutsi was also seen there on 28 May. Shortly after, his family relocated elsewhere in Rwanda for added safety.

F. Preparations for military activities inside the Democratic Republic of the Congo

78. Prior to the outbreak of the Bukavu conflict, Rwandan government officials lent their support to General Nkunda and the commander of the tenth military region, General Obedi, on recruitment drives inside Rwanda, including within Congolese refugee camps. Such actions affect the civilian nature of the camps and are in blatant violation of the 1951 convention relating to the Status of Refugees.

79. The Group of Experts visited the Gihembe refugee camp in Byumba, Rwanda, administered jointly by UNHCR and the Government of Rwanda. The Group was able to confirm that Rwandan government officials, including military soldiers in army vehicles, and high-ranking Congolese leaders based in North Kivu and loyal to Nkunda, visited the camps in an attempt to recruit forces for military service inside the Democratic Republic of the Congo. While the first visit occurred in December 2003, more recent attempts were made on 2 March, 14 April and 3 May 2004. On both 2 March and 14 April, in the presence of Rwandan officials, Nkunda personally requested that refugees enrol and conveyed to them that the time had come to continue warfare inside the Democratic Republic of the Congo against the Kinshasa Government.

80. Highly credible reports and documentation indicate that the same activities were carried out in the Kiziba refugee camp in Kibuye, which the Group of Experts did not have the time to independently verify.

81. Rwandan officials, along with Nkunda and other Congolese officials, used intimidation tactics to further the recruitment aims. During the recruitment drives, refugees were threatened with the loss of their Congolese citizenship and were told that Rwandan hospitality had been exhausted. When certain members of the refugee population resisted Nkunda's solicitation, they were directly threatened by Rwandan officials.

82. From its interviews with refugees in Gihembe camp, eyewitness sources and humanitarian organizations, the Group of Experts concluded that Rwanda's refusal to provide the refugees with appropriately documented refugee status or identity cards was a tool used to pressure the refugees into military service inside the Democratic Republic of the Congo on behalf of dissident forces.

G. Forced recruitment in support of Nkunda's war preparations

83. The Group of Experts was able to interview young Rwandan men who had been forcibly recruited by Rwandan officials on Rwandan territory after having been through the disarmament, demobilization, repatriation, reintegration and resettlement process. The youth interviewed had left military service in April 2004, after which they entered a demobilization camp in Goma. In May they were repatriated to Rwanda through the border town of Gisenyi. Upon their arrival in Gisenyi, five were detained by local Rwandan officials, including the police, and were forcibly driven back across the border into the Democratic Republic of the Congo with the complicity of Rwandan immigration officers. Those detained believed they had been selected because they were the fittest or best trained for renewed military service. During this episode, they were told that they would join the "RCD [Rassemblement congolais pour la démocratie] military". Those who

refused were beaten and jailed under harsh conditions until they escaped into MONUC custody.

84. Based on its direct observations and assessments in the Rwandan border towns of Gisenyi and Cyangugu, as well as the neighbouring towns of Goma and Bukavu in the Democratic Republic of the Congo, the Group of Experts has concluded that Rwandan officials, including the police, are abusing the disarmament, demobilization, repatriation, reintegration and resettlement programmes in Rwanda and are subjecting those who return to forced recruitment, intimidation and physical abuse.

VII. Involvement of foreign forces

A. Forces démocratiques pour la libération du Rwanda

85. The presence of negative forces in the Democratic Republic of the Congo continues to play a destabilizing role, jeopardizing good-neighbourly relationships in the eastern part of the country. The Group of Experts was able to confirm military activities by the FDLR elements in North Kivu and their incursions into north-western Rwanda in April 2004. Interviews with the local population, Ruhengeri prefect officials and medical personnel, as well as the limited increase in the number of local funerals in the region during that period, reveal that the size of the invading FDLR forces and their impact in this instance were modest.

86. Nonetheless, in interviews with North Kivu-based FDLR combatants who had recently been captured or entered into disarmament, demobilization, repatriation, reintegration and resettlement programmes, the Group of Experts learned that formal command structures and organization remained steadfastly in place and that FDLR had good communication with its foreign-based leadership. According to highly credible sources and former FDLR combatants, FDLR was able, during a recent raid, to acquire Rwandan mobile phone transmitters, enabling it to illicitly make international as well as local calls for coordination, resupply and tactical purposes. FDLR also claimed to benefit from a new arms supply chain activated by its representatives in Europe and allied Ugandan officials and transported overland in "transit goods" trucks through normal border crossings.

87. Until at least October 2003, those FDLR units had received weapons in Shabunda from the Government of the Democratic Republic of the Congo, which then had to be transported overland, taking one to two months to reach certain units. According to one senior FDLR officer, the weapons were delivered in exchange for natural resources as part of an agreement between the Governments of the Democratic Republic of the Congo and the Democratic People's Republic of Korea. They were flown into Shabunda on aircraft often manned by a Russian-speaking crew.

88. In South Kivu, the Group of Experts received information from highly credible sources that a few elements of the FDLR and armed Hutu previously inserted into Mayi-Mayi units had spontaneously rallied to assist in fighting against Mutebutsi's forces. Even though this appears to have had minimal impact, the Group is concerned that FAPDC and the Mayi-Mayi might again reactivate such units if another serious military confrontation were to occur.

89. Since the imposition of the embargo, there have been a number of high-ranking FDLR defections. Defectors have returned to Rwanda outside of normal disarmament, demobilization, repatriation, reintegration and resettlement processes and official transitional government channels, indicating that the Government of Rwanda has significant communication channels within the FDLR hierarchy. The Government of Rwanda has not cooperated with either the transitional Government or MONUC during the repatriation of the FDLR defectors. Enhanced communication and cooperation around such issues might ensure more successful disarmament, demobilization, repatriation, reintegration and resettlement programmes and would assuage suspicions regarding Rwanda's interaction with FDLR in the Democratic Republic of the Congo.

90. Despite the FDLR defections and disarmament, demobilization, repatriation, reintegration and resettlement mechanisms in place, the demobilization of the remaining FDLR forces is not imminent and they remain a security concern for Rwanda. However, in carrying out its field investigations on both sides of the border between North Kivu and Rwanda, the Group of Experts concluded that the FDLR presence in that area and its limited cross-border incursions did not justify the level of Rwandan troop deployment inside the Democratic Republic of the Congo in this instance.

B. Rwandan forces inside the Democratic Republic of the Congo

1. Rwandan Defence Forces encroachment into Virunga National Park

91. The Group of Experts received highly credible reports from eyewitness sources and persons directly involved that from mid-May to June 2004, Rwandan troops had instigated the clear-cutting of the Mikeno sector (southern sector) of Virunga National Park, a World Heritage Site, inside the Democratic Republic of the Congo.

92. To investigate such claims, the Group conducted a site visit to the area on the Rwandan side of the border and interviewed villagers living adjacent to the park and other people involved in the land-conversion activities. The villagers informed the Group that an order had just been issued for all conversion activities within the Democratic Republic of the Congo to cease. The Group concluded that the order had been issued in anticipation of its visit. When the Group arrived, RDF had withdrawn to a defensive position on a nearby hill overlooking the park's boundaries. Still, the Group was able to observe smouldering fires and freshly cut bamboo shoots. A follow-up visit was made to adjacent areas in Virunga National Park in the Democratic Republic of the Congo.

93. The Group of Experts was able to confirm that, in conjunction with local leaders in and around Kibumba in the Democratic Republic of the Congo, Rwandans had been instructed by RDF to deforest the area in exchange for firewood. RDF had deployed to the area to accompany the movement of the local Rwandan population during its clear-cutting operations inside the Democratic Republic of the Congo. According to direct testimony, RDF officers also put parts of the deforested area in the Democratic Republic of the Congo up for sale.

94. While there were active incursions of FDLR into Rwanda from some of those areas, the limited impact did not appear to justify the actions of RDF. Clear-cutting of the bush along one's border perimeter is a common practice to repulse such

incursions, but the activities instigated by RDF had advanced considerably beyond any acceptable range. Destruction of large parts of the park's natural habitat endangers the Congo's mountain gorilla population, which is a vital asset for tourism development.

95. Rwanda's deployment into the southern sector of Virunga National Park, in violation of the embargo, echoed reports that the Group of Experts had received about the presence of RDF in and around northern parts of the park and which it subsequently investigated.

2. Rwandan troop deployment in remote areas in North Kivu

96. The Group of Experts conducted a site visit to the Congolese border town of Bunagana and its surroundings, which are in Virunga National Park. The Group received reports from highly credible sources in both Rwanda and the Democratic Republic of the Congo indicating that RDF had maintained semi-fixed positions in the region since at least October 2003. That information was corroborated with photographic images showing fixed heavy-weapon encasements.

97. In Bunagana, the Group of Experts carried out a number of independent interviews with a variety of sources and learned that RDF often visited the local markets in the area for provisions. They were tolerated by local officials and troops. Some interviewees could name local people who had been forcibly recruited by soldiers or who had fled the country for fear of reprimand for having refused military service. The Group did not sufficiently confirm whether this resulted from local RDF or FARDC recruitment activities.

98. The Group of Experts also obtained the names of the sites where the RDF troops were said to be deployed, most recently Runyoni, Jomba Park, Kabonero, Lushabanda, Ruginga and Nchanzu, as well as Virunga National Park. The areas also matched information, including photographic evidence, collected from other sources. Most of the troops were said to have travelled on foot through Virunga National Park to reach their positions.

99. The Group of Experts then travelled to Runyoni, approximately 40 kilometres outside of Bunagana. The Group stopped at every village and enquired multiple times in each one about the RDF presence. Most interviewees mentioned the regular presence of an RDF unit on Runyoni hill. Upon its arrival at Runyoni, the Group talked to the local village population. Local leaders confirmed that the Rwandan troops had departed the day before the Group's visit but that they were otherwise stationed there.

100. On the basis of its interviews and field investigation, the Group of Experts is highly confident that RDF troops have been deployed in the region for a considerable period of time, complementing new deployments in other parts of Virunga National Park that it was able to verify independently.

VIII. Military alliances with uncontrolled armed groups

101. Inside the Democratic Republic of the Congo, the Group of Experts noted that political and military alliances of convenience could be construed as violations of the arms embargo in giving direct or indirect support to groups not a party to the Global and All-Inclusive Agreement or to an uncontrolled armed group operating out of Ituri and the Kivus. The ambiguity of interpretation of the embargo and to whom it should apply should be clarified.

A. Support to dissident proxy forces

102. As previously cited, the Group of Experts was able to document the collaboration between Nkunda and Democratic Republic of the Congo officials in recruitment drives within Rwanda, including, for example, a member of Parliament, Emmanuel Kamanzi.

103. During its visit to Goma in North Kivu, the Group of Experts interviewed several demobilized Congolese soldiers who had been forcibly recruited by the staff of North Kivu Governor Eugène Serufuli directly from a demobilized camp situated adjacent to the South African Task Force One base during the second week of June 2004. The demobilized soldiers were sent to Katindu military camp under the control of the eighth military region command and were instructed that they would soon be fighting as part of the troops of the dissident leader Nkunda. None of the new recruits were from the Kivus or wanted to fight with forces opposed to the Kinshasa Government.

104. The Group of Experts also interviewed FARDC soldiers who had been stationed in Beni but had been transferred to Goma under the eighth military region command during a recent unification exercise. According to those soldiers, a subsection of their unit had been transferred to Minova in May 2004. At the Minova camp, they were resupplied with ammunition brought over on boats by Rwandan civilians and were met by Nkunda troops also coming by boat from Rwanda. Soon after the sub-unit, now fully integrated into Nkunda's troops, was instructed to travel to Bukavu ostensibly to guard the airport for the impending visit of Vice-President Azarias Ruberwa. They were in fact sent to Bukavu to secure the airport in aid of Nkunda's forces. After the mutiny was put down by FARDC, some of the troops had returned to Goma on a boat called "General Mulamba" with 15 wounded soldiers, who were subsequently treated in the Goma hospital. Given the various and independent testimonies corroborating the same information, the Group believes that it is highly likely that Obedi seconded those troops directly to Nkunda and facilitated their onward movement from Goma to Beni.

105. The Group of Experts also identified other boats carrying some of Nkunda's retreating forces back to Goma. As in the case of Rwanda's support to Mutebutsi's receding forces, it appears that civilian and military officials in Goma provided a safe refuge for Nkunda's retreat from South Kivu. Nkunda's withdrawn troops not only continue to enjoy safe refuge on the territory of the eighth military region command but there has been no intervention by North Kivu authorities to halt the considerable military build-up under way in the area, which the Group was able to independently verify and corroborate with reconnaissance imagery. Nkunda retains his command and control structure and weapon supplies.

B. Alliance of convenience

106. One of the difficulties that the arms embargo regime faces in the particular case of the Democratic Republic of the Congo is that it shares a border with nine countries, many of which are experiencing ongoing conflicts or are in a relatively recent post-conflict transitional phase. Their own weak border controls allow for readily available weapons to flow into the Democratic Republic of the Congo, where they are recycled. The Group of Experts found evidence to suggest that weapons used by the Sudanese rebel group SPLA were being passed on to one of its military allies in the Democratic Republic of the Congo, Commandant Jerome's FAPC, in exchange for such commodities as motorcycles.

107. In this connection, it is worth noting that at the time of the Group of Experts' field mission, SPLA not only controlled some areas in the northernmost reaches of the Democratic Republic of the Congo, but also occupied such Congolese localities as Aba, thus facilitating the illegal movement of arms into the Democratic Republic of the Congo. The SPLA commander of Aba, Hassan Daud, frequently travelled to Aru and Ariwara for supplies and to hold strategic meetings with FAPC. The Group confirmed his presence in Aru from 21 to 24 April 2004. When the Group met with the FAPC chief of staff, he confirmed that FAPC and SPLA had entered into a joint security arrangement, including joint military patrols, along their common demarcation zones.

108. A similar security arrangement had previously been struck between SPLA and the District Commissioner of Haut-Uélé and its allied military commanders, which was subsequently codified in a written agreement signed on 6 October 2003 (see annex II). The agreement acknowledges that SPLA is safeguarding Garamba National Park, another World Heritage Site. Other documentation and interviews with international and local conservation groups indicated that this created an opportunity for illegal poaching. In exchange for the military services provided by SPLA, the local authorities agreed to compensate SPLA at a rate of $10,000 for every 125 SPLA soldiers deployed and $5,000 for combat rations. SPLA was also allowed to maintain its representation in Aba.

IX. Recommendations

109. In the light of the findings and observations presented above, the Group of Experts wishes to impress on the Committee the recommendations set out below.

A. Border control and customs measures

1. Regional and international

110. Governments party to the Northern Corridor Transit Agreement should consider making amendments to the Agreement to permit physical inspection of transit trade goods en route to areas under the exclusive domain of uncontrolled armed groups and other embargoed parties.

111. As a robust measure to prevent all forms of assistance to the Ituri armed groups, it is necessary to tightly control all inter-State trade with such groups, as well as all commercial flights that are not of a humanitarian nature, until such time

as MONUC is able to deploy to those territories or the State is able to extend its authority there.

2. Uganda

112. The Group is aware that Uganda's security concerns may limit its ability to deploy immigration and customs agents to some of its border areas. However, by providing adequate protection to those agents, the Government of Uganda can improve its border monitoring and control capabilities, with particular emphasis on the more remote border areas it shares with the Democratic Republic of the Congo. Strengthening its capacity to patrol Lake Albert and Lake Edward, including the provision of adequate fuel supplies, would also act as a deterrent to traffickers of illicit cargo.

113. Customs and immigration procedures at border crossings with areas controlled by Ituri armed groups should be enhanced through the provision of added manpower, the permanent presence of accredited agents, tighter procedures pertaining to the declaration of goods delivered both to and from the Democratic Republic of the Congo, improved physical inspection and screening of goods entering areas controlled by Ituri arms groups and immediate and systematic registration of individuals exiting and entering Uganda. The Group also recommends that measures be implemented to prohibit all nocturnal movement of trucks, particularly those of a military nature, across borders and over borders with Ituri armed groups.

114. Measures to be considered in border areas with Ituri armed groups include restricting the movement and safe residence within Uganda of leaders and high-ranking representatives of Ituri armed groups unless they are travelling specifically for international peace negotiations.

115. In addition, the Group recommends enhanced government scrutiny over or interdiction of business partnerships and relations with Ituri armed groups. The Government of Uganda should consider investigating localized complicity or involvement of Ugandan authorities and agents in certain border areas and restrict the provision of armed escorts, official transportation and other advantages to Ituri armed group leaders except in the framework of international peace negotiations.

3. Rwanda

116. The Group recommends the restoration of civilian oversight and monitoring of activities along Rwanda's borders with the Democratic Republic of the Congo, including on Lake Kivu. The Government of Rwanda should also consider restricting immigration, safe residence and freedom of movement of dissident or mutinous forces and other individuals or officials who are allied with such forces except in the framework of international peace negotiations. The joint verification mechanism agreed to during the 25 June summit in Abuja, Nigeria, between Presidents Kabila and Kagame should be established as soon as possible to ensure that the allegations of the two sides are adequately addressed.

4. Democratic Republic of the Congo

117. With the extension of the transitional authority throughout the national territory as a prerequisite, the effective and unified control by the transitional

Government over the national borders of the Democratic Republic of the Congo is essential to stem the flow of arms and other illicit commodities into the country. In this connection, an effective customs administration could contribute significantly to enhancing the transitional Government's financial assets, including through higher tax revenues and a reduction in smuggling. Customs and immigration agents would benefit greatly from training, both in their areas of expertise and pertaining to work ethics, as well as from the installation of basic equipment.

B. Effective air-traffic monitoring and control

118. In order to tighten the control of movements in the air and on the ground, it is necessary, in coordination with RVA, to establish an independent air-traffic services unit to provide air-traffic-control services and adequate airport procedures, such as the acquisition and dissemination of flight plans and coordination with customs officials. The International Civil Aviation Organization should be asked for assistance in this area.

119. The Democratic Republic of the Congo should be provided with assistance to improve air-control facilities with the minimum required equipment in order to improve the monitoring and control of aircraft movements as a deterrent to illegal activities.

120. The Democratic Republic of the Congo should be assisted in restructuring the unit responsible for the registration of aircraft and the licensing of crew in order to tighten control over illicit arms-trafficking activities by air.

C. Aiding and abetting

1. Recruitment

121. The Group of Experts reaffirms the need to respect at all times the civilian nature of refugee camps, in particular by abstaining from both voluntary and forced recruitment within them. It also calls upon the Government of Rwanda to prohibit recruitment drives, especially in refugee camps, to take action against Rwandan civilian and military officials known to have been involved in or to have facilitated such drives and to expel Congolese who have conducted them and prohibit their future freedom of movement. On humanitarian grounds, the Group strongly encourages relevant authorities to take the steps necessary to provide refugees in Gihembe and other refugee camps with appropriate refugee status.

122. The disarmament, demobilization, repatriation, reintegration and resettlement mechanism in the Democratic Republic of the Congo would benefit greatly from the establishment of a donor-funded external verification mission to follow up on the status of demobilized soldiers after their return to Rwanda. With the assistance of the Government of Rwanda, such a verification mission could, in particular, ensure that demobilized soldiers were not being recruited to fight in the Democratic Republic of the Congo. The Group of Experts also reminds the Government of Rwanda of its pivotal role in preventing incursions from Rwanda into the Democratic Republic of the Congo by demobilized soldiers, Congolese nationals and other entities intent upon attacking Congolese soil.

123. As regards Mutebutsi's troops and troops fleeing across borders in general, the Group of Experts strongly recommends that they be disarmed, that an accurate and complete inventory of the arms be readily available for verification by MONUC, that MONUC have access to the arms-storage area, that the individuals seeking asylum hand over their military attire and that the troops be properly cantoned, in cordoned or fenced camps, prohibiting freedom of movement out of the camp. The Group further underlines the need to remove combatants seeking asylum from Rwandese military camps and to prohibit military counselling, advice and training in cantonment areas.

124. The transitional Government and the Government of Rwanda should reach an agreement, based on international law and with respect for due process, on the fate of Mutebutsi and his troops. An inquiry should also be opened into Mutebutsi's role in the looting of the Central Bank in Bukavu.

125. Family members of senior dissident troops fleeing into Rwanda should be properly registered as refugees.

2. Foreign forces' involvement and State cooperation

126. As cited above and in the interest of confidence-building and to improve border security, the Group of Experts supports the principle of a joint verification mechanism, which may include representatives of the African Union, MONUC and other relevant parties.

127. For constructive engagement on issues pertaining to the Security Council arms embargo, the Democratic Republic of the Congo, Rwanda and Uganda should appoint appropriate focal points for the arms embargo monitoring mechanism.

D. Enhancing the capability of the United Nations Organization Mission in the Democratic Republic of the Congo

128. Essential to improving the Mission's monitoring and interdiction capacity is the need to be provided with the appropriate lake patrol and air-surveillance capabilities, including appropriate nocturnal, satellite, radar and photographic assets.

129. In addition, consideration should be given to a more robust deployment of MONUC troops in respect to its monitoring mandate at key airports, areas under the control of the Ituri armed groups, Idjwi Island and key flashpoints along the border between the Democratic Republic of the Congo and Rwanda.

130. Relevant MONUC personnel should be provided with specialized training, including guidelines on how to monitor and track illicit air and overland movements.

E. Continued monitoring

131. In the light of all of the above, the Group of experts recommends the renewal of the arms embargo in the Democratic Republic of the Congo for a period covering the next mandate of MONUC. Monitoring of the arms embargo is also essential to enhance its effectiveness.

Annex I

Countries visited and representatives of Governments, organizations and other entities interviewed

The following list is incomplete, in deference to the wishes of those who requested anonymity.

Democratic Republic of the Congo

Government officials

Office of the President
Minister of Interior
Commander in Chief of the Congolese Air Force
Ninth Military Region Commander
President of the Ituri Pacification Committee
Ituri Interim Administrator
Agence nationale du renseignement
Direction générale des migrations
Institut congolais pour la conservation de la nature
Office de gestion des douanes et accises
Police nationale Congolaise
Régie des voies aériennes

Representatives of armed groups

Leader of the Forces populaires pour la démocratie au Congo

Former and current leaders of the Parti pour l'unité et la sauvegarde de l'intégrité du Congo

Chief of Staff and Ministry of Foreign Affairs of the Forces armées du peuple congolais

Representatives of States

Belgium
France
South Africa
Spain
United Kingdom of Great Britain and Northern Ireland
United States of America

United Nations agencies and offices

United Nations Organization Mission in the Democratic Republic of the Congo
International Civil Aviation Organization
International Criminal Court
Office for the Coordination of Humanitarian Affairs
Office of the United Nations High Commissioner for Refugees

Other

European Commission's Humanitarian Aid Office
International Crisis Group
Oxfam
Reuters
Civil society and local non-governmental organizations

Kenya

Representatives of States

France

International organizations

Food and Agriculture Organization of the United Nations
International Air Transport Organization
Integrated Regional Information Network
Office for the Coordination of Humanitarian Affairs
Office of the Special Representative of the Secretary-General for the Great Lakes Region

Non-governmental organizations

International Crisis Group
Civil society and local non-governmental organizations

Rwanda

Government officials

Minister for Foreign Affairs
Special Envoy of the President for the Great Lakes
Ministry of the Interior
Ministry of Defence
Ministry of Infrastructure
Prefect of Ruhengeri
Régie des aéroports du Rwanda
Cyangugu Military Commander
Customs Commissioner
Immigration
National Police
Small arms conference focal person

Representatives of States

Belgium
Burundi
Canada
France
United Kingdom of Great Britain and Northern Ireland
United States of America

United Nations agencies and offices

United Nations Organization Mission in the Democratic Republic of the Congo
International Criminal Tribunal for Rwanda
Office of the United Nations High Commissioner for Refugees

Other

International Committee of the Red Cross
Civil society and local non-governmental organizations

Uganda

Government officials

Office of the President
Civil aviation authority
Ministry of Defence
Ministry of Foreign Affairs
Ministry of Internal Affairs
Chief of Staff of the Uganda People's Defence Force
Chief of Intelligence
Director of Internal Security
Small arms focal point
Police
Interpol
Immigration and customs officials

Media

New Vision

Other

Heritage Oil
International Crisis Group
Civil society and local non-governmental organizations

Representatives of States

Belgium
France
United Kingdom of Great Britain and Northern Ireland

United Nations agencies

United Nations Organization Mission in the Democratic Republic of the Congo
United Nations Children's Fund

Annexe II

Protocole d'accord signé entre les parties soudanaise (SPLA) et congolaise (district du Haut-Uélé) à Aba (Soudan), en date du 6 octobre 2003

A. **ETAIENT PRÉSENTS:**

a) Partie congolaise (voir la liste en annexe)

b) Partie soudanaise (voir liste en annexe)

B. **THÈME DU JOUR:**

Révision des accords bilatéraux signés à Yei en date du 22 au 23/11/1999 entre les parties congolaises et du New Sudan relatifs aux points ci-après:

- Sécurité:

a) Contrôler le flux d'armes et des munitions

b) Echange des criminels

c) Entreprendre une opération mixte relative à la pression du braconnage au Parc de la Garamba

d) Revoir l'ouverture de Poste d'immigration à Kirikwat

- Promouvoir des bonnes relations frontalières
- Pourvoir une atmosphère favorable pour le commerce frontalier
- Utiliser le Dollar américain ou le Shelling Ougandais ou le système de troc.
- Son Excellence le Commissaire de district de Yei et ses officiers supérieurs devront organiser une mission aux camps de réfugiés pour la sensibilisation au retour volontaire
- Tenir une réunion avec la chambre de commerce (FEC), les services de l'immigration, douane et discuter des modalités relatives au fonctionnement des ces services.

Après débat et délibération des points ci-haut énumérés, des considérations suivantes ont été retenues par les parties en présence.

a) <u>De la partie congolaise</u>

1. Nous sommes mandatés par le Gouvernement congolais pour apporter un message de paix, de collaboration et de dialogue au peuple-frère du New Sudan (SPLA/M), vu la fin de la guerre et l'unification intervenues dans notre pays (RDC).

2. Et des remerciements aux éléments/SPLA pour les services rendus pour la sécurisation de notre population frontalière et de la sauvegarde du Parc National de la Garamba depuis 1999 à ce jour.

b) De la partie soudanaise:

La partie ci-haut citée s'est rendu compte de la reconnaissance par la partie congolaise des bienfaits de l'assistance sécuritaire des éléments/SPLA en territoire congolais. A ces motifs, les éléments/SPLA ne facturent pas la République Démocratique du Congo pour leurs services rendus mais réclament plutôt une sorte de gratification entre voisin au sens africain tel que dit ci-dessous

1) Une prime globale de 10 000 Dollars américains pour 125 soldats/SPLA
2) Paiement d'une somme de 500 USD dedits éléments;
3) 5000 USD pour ration consommée en crédit par les éléments susmentionnés pendant l'opération mixte de lutte anti-braconnage chez Monsieur SISKO à Aba,
4) 50 USD pour ration militaire reçue à l position Badri chez Monsieur KAMIDA
5) Maintien d'une représentation diplomatique du New Sudan à Aba.-cou

C. DES RESOLUTIONS

Au terme de ce qui précède, des résolutions ci-après ont été adoptées

1. Le maintien de la franche collaboration frontalière entre nos deux pays

2. Que les forces de sécurité de nos deux pays patrouillent et sécurisent nos deux territoire dans les limites de leur frontière nationale dans le respect des lois régissant la souveraineté respectives de nos deux pays.

3. La continuation réciproque d'échange d'informations et de droit de poursuite judiciaire des inciviques recherchés de part et d'autre de la frontière commune. Les patrouilles mixtes le long de la frontière commune ne pourront se faire qu'en cas de nécessité absolue et d'une manière consensuelle sanctionnée par un avis préalable et favorable de l'autorité compétente congolaise.

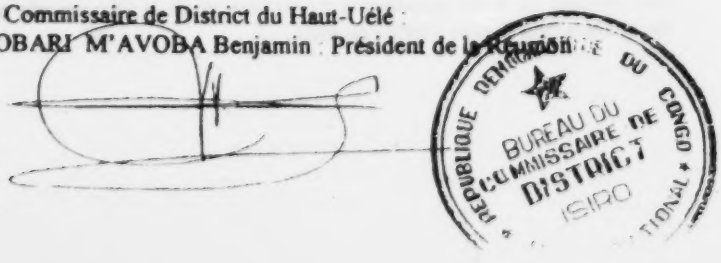
4. Garantir la libre circulation des personnes et de leurs biens entre nos deux pays frères au strict respect des règles des mouvements migratoires.

5. Que le gouvernement congolais envisage, dans un meilleur délai, le paiement de la gratification aux éléments/SPLA pour leurs services rendus tel que stipulé ci-haut

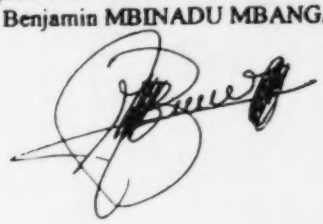
Signataires des accords d'Aba

Pour la partie congolaise

1. Le Commissaire de District du Haut-Uélé :
MOBARI M'AVOBA Benjamin : Président de la Réunion

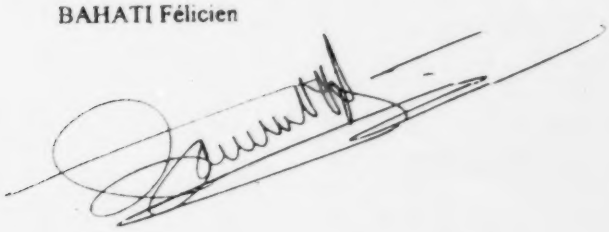


2 Le Représentant du Général, le Comd OPS/ISIRO
Major Benjamin MBINADU MBANGANE



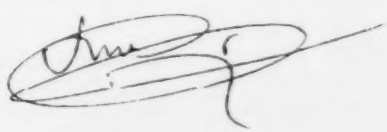
3 Le Chef de Poste Principal de SDS/Haut-Uélé

BAHATI Félicien



4 L'Inspecteur Général de la PNC/Haut-Uélé

Col. MATETE Chistophe



5 Le Comd Bn axe Dungu – Faradje – Watsa

Col. KAMBASULU - KOLI Michel

Pour la partie du New Sudan

1. Le Commissaire politique SPLA/M
   Isaac HASSAN DAUD

2 Le Comd Militaire SPLA / Aba
Pius ANAMA SEVERIO

3 Le Comd 2nd SPLA/ Aba
Cap Samson EL- HAJ JOSEPH

Fait à Aba, le 06/10/2003

Pour le Comité de rédaction ;

Ir. AMUBE N. Jérôme
Officier Princ de Garde/Chercheur PNG
et Vice-Président du Comité Rédaction

Inspecteur MATAMBA Etienne Angélique
Président du Comité Rédaction

Annexe III

Relevé quotidien du trafic aérien à l'aéroport de Lubumbashi (République démocratique du Congo), 3 juin 2004

19 07 9G-CWG 6727 KOMBAMBA 1457 FZCA —
20 07 9G-CJH AN 12 ABACO/FAC 1811 FZAA —

REGIE DES VOIES AERIENNES

AEROPORT DE LUBUMBASHI

DÉBUT — NOM — FIN

ON	NAMES	OFF
0001	KAZADI [illegible]	
0600	[illegible] KANYINDA	
—11	MUTUALE KAZ[illegible]	
1530	BUNZA - CAIDO	

MOUVEMENTS DU JEUDI, 03/06/2004

ARRIVEES									DEPARTS								
N°	P	IMMATR	TYPE	EXPL	HEURE	PROV	CDT	OBS°	N°	P	IMMATR	TYPE	EXPL	HEURE	DEST	CDT	OBS°
1	07	9Q-CJB	F 28	BRACO	0658	FZNA	HOLLAND	VN	01	07	ZS-OJK	DC-3	ICRC	0530	MALEMBA	FECKEN	V
2	07	9Q-CWK	AN 12	WDA	0725	FZAA	CHARTON	V	02	07	9Q-CAP	L410	ITAB	0632	FZQM	SILVEIRA	V
3	07	ZS-OJK	DC 3	CICR	0650	Malemba	Fecken	N	03	07	9Q-CAP	L410	ITAB	0819	Malemba	DECAUWER	N
4	07	9Q-CWH	DC 9	WDA	1015	FZAA	CHARTON	VN	04	07	9Q-CWC	AN12	WDA	1034	FZZZ	CHARTON	V
5	07	9Q-CWD	6727	WDA	1027	FZAA		V	05	07	9Q-CJV	AN32	FAC	0955	FZZZ	STEPHANE	N
6	07	9Q-CAP	N 96	ITAB	1142	Malemba	DECAUWER	N	06	07	9Q-CEZ	AN26	FAC	1140	FZZZ	MARKOS	N
7	07	9Q-CEZ	AN 12	FAC	1233	FZNA		VN	07	07	9Q-CWE	DC 9	WDA	1148	FZWA	CHARTON	V
8	07	9Q-CHF	6727	HBA	1248	FAJS	MARIA	N	08	07	N 25 J	PC 12	BRACO	1222	FZNA	HOLLAND	V
9	07	9Q-CJV	AN 32	FAC	1316	ZZZZ	STEPHANE	N	09	07	9Q-CYA	DH 8	ITAB	1308	FZQM	DECAUWER	N
10	07	ZS-OVL	AT 42	CAMAIR-INT	1330	FLND	WINTERTON	N	10	07	9Q-CEL	AN 12	FAC	1340	ZZZZ	EMELIANOV	V
11	07	9Q-CEA	BE 55	ITAB	1336	FZRQ		VN	11	07	9Q-CJU	AN 32	FAC	1352	ZZZZ	STEPHANE	N
12	07	9Q-CWS	AN 12	WDA	1410	ZZZZ	CHUMAKOV	N	12	07	ZS-OVL	AT 42	CAMAIR-INT	1402	FLND	WINTERTON	N
13	07	9Q-CEZ	AN 12	FAC	1512	ZZZZ	MAUREL	V	13	07	9Q-CHF	B 727	CAL/MBA	1430	FZAA	MARIA	N
14	07	9Q-CDR	L 410	ITAB	1521	FZQM	SILVEIRA	V	14	07	9Q-CWD	6727	KOMBAMBA	1528	FZAA	NSOMO	V
15	07	9Q-CJA	BN 2A	ITAB	1542	FZQM	DECAUWER	N									
16	07	9Q-CVC	AN 12	ITAB	1632	FZRF											

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United Nations S/2004/552

Security Council

Distr.: General
12 July 2004

Original: English

Letter dated 7 July 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 2 January 2004 (S/2004/19), transmitting a second report from Maldives submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Maldives to set out its preliminary comments. Maldives has been requested to provide a response in the form of a third report by 30 September 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Alexander V. **Konuzin**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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United Nations S/2004/553

Security Council

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12 July 2004

Original: English

Letter dated 7 July 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 24 October 2003 (S/2003/1039), transmitting a second report from the Marshall Islands submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of the Marshall Islands to set out its preliminary comments. The Marshall Islands has been requested to provide a response in the form of a third report by 30 September 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Alexander V. **Konuzin**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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United Nations S/2004/554

Security Council

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12 July 2004

Original: English

Letter dated 7 July 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 13 October 2003 (S/2003/997), transmitting a third report from Iceland submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Iceland to the United Nations to set out its preliminary comments. Iceland has been requested to provide a response in the form of a fourth report by 30 August 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Alexander V. **Konuzin**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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United Nations S/2004/555

Security Council

Distr.: General
12 July 2004

Original: English

Letter dated 7 July 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 9 September 2003 (S/2003/871), transmitting a third report from the Libyan Arab Jamahiriya submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations to set out its preliminary comments. The Libyan Arab Jamahiriya has been requested to provide a response in the form of a fourth report by 30 August 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Alexander V. **Konuzin**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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United Nations S/2004/556

Security Council

Distr.: General
12 July 2004

Original: English

Letter dated 7 July 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 16 October 2003 (S/2003/1014), transmitting a third report from Luxembourg submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Luxembourg to the United Nations to set out its preliminary comments. Luxembourg has been requested to provide a response in the form of a fourth report by 30 August 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Alexander V. **Konuzin**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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United Nations S/2004/557

Security Council

Distr.: General
12 July 2004

Original: English

Letter dated 7 July 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 21 November 2003 (S/2003/1118), transmitting a third report from Malta submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Malta to the United Nations to set out its preliminary comments. Malta has been requested to provide a response in the form of a fourth report by 30 August 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Alexander V. **Konuzin**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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United Nations S/2004/558

Security Council

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12 July 2004

Original: English

Letter dated 7 July 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 21 November 2003 (S/2003/1119), transmitting a third report from Nepal submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Nepal to the United Nations to set out its preliminary comments. Nepal has been requested to provide a response in the form of a fourth report by 30 August 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Alexander V. **Konuzin**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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United Nations S/2004/559

Security Council

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12 July 2004

Original: English

Letter dated 7 July 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 29 August 2003 (S/2003/852), transmitting a third report from Bolivia submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Bolivia to the United Nations to set out its preliminary comments. Bolivia has been requested to provide a response in the form of a fourth report by 30 August 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Alexander V. **Konuzin**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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United Nations S/2004/560

Security Council

Distr.: General
12 July 2004
English
Original: Arabic

Letter dated 9 July 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

I have the honour to inform you that the Government of Lebanon requests the Security Council to extend the mandate of the United Nations Interim Force in Lebanon (UNIFIL), which expires on 31 July 2004, for an additional period of six months under Security Council resolutions 425 (1978) and 426 (1978), both of 19 March 1978. The request stems from the need for UNIFIL to continue its work in the South in order to complete the mission entrusted to it under those resolutions. This is in accord with the conclusion correctly reached by you in your periodic reports to the Security Council, namely that an important part of the mandate of UNIFIL has yet to be fulfilled, especially with regard to restoring international peace and security in the region.

The need for the presence of UNIFIL has become even more pressing in the light of the continued and renewed grave violations committed by Israel by land, air and sea and the provocative aerial violations carried out by that State on a daily basis, all of which constitute violations of the Blue Line, as well as constant attacks against Lebanon's sovereignty and threats to its security and safety in flagrant contravention of Security Council resolution 425 (1978). You rightly characterized those violations as "provocative" in paragraph 26 of your most recent report on UNIFIL to the Security Council (S/2004/50), dated 20 January 2004. Similarly, the Security Council focussed on those violations in its latest resolution on UNIFIL (1525 (2004)), characterizing them in operative paragraph 7 as "continuing" violations "that could further escalate the tension" in the region.

Lebanon also deems it important to mention that in 2000 the United Nations did not ensure Israeli withdrawal from all Lebanese territory to the internationally recognized boundaries as set forth in resolution 425, but rather to a de facto withdrawal line known as the "Blue Line", which Lebanon has respected until now, despite the fact that it previously registered and continues to uphold its reservation in that regard, especially in respect of three points on the Line which it considers as not matching the internationally recognized boundaries. Lebanon therefore reaffirms its legitimate right to the return of the remaining parts of occupied Lebanese territory.

In this context, Lebanon emphasizes that maintaining the UNIFIL mandate as provided in Security Council resolutions 425 and 426 will constitute a reaffirmation of the international community's commitment to restoring the sovereignty of Lebanon over all its territory and the strong support for Lebanon's territorial

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integrity, sovereignty and political independence within its internationally recognized boundaries evinced by the Security Council in its successive resolutions on the matter, the most recent of which is resolution 1525 (2004).

I take this opportunity to commend, on behalf of the Government of Lebanon, the efforts of the command and members of UNIFIL and the efforts and sacrifices made by the States participating in UNIFIL in carrying out the Force's mandate.

Lebanon greatly appreciates the ongoing participation of the United Nations Interim Force in demining operations and the efforts of donor States in that area. Inasmuch as it has become clear to the United Nations that there remain further maps and other documents indicating the locations of the mines left by the Israeli occupation in Lebanese territory, Lebanon calls on the Security Council to pressure Israel to hand over the rest of those documents. The mines continue to cause death and injuries to Lebanese civilians and curtail their freedom of action and movement. In addition, they hamper the movements of UNIFIL and interfere with the performance of its mission within its area of operation, endangering the lives of individuals working in UNIFIL and persons carrying out demining operations. Lebanon further calls on the Security Council to work to secure the release of all Lebanese unlawfully detained in Israeli prisons, in some cases for many years, in flagrant violation of the 1949 Geneva Conventions and the protocols additional to those conventions.

Lebanon desires to reaffirm its commitment to the peace process in the Middle East aimed at the achievement of a just and comprehensive peace in the region based on international legitimacy, the Madrid Conference and the principle of land for peace and in accordance with the integrated Arab peace initiative unanimously adopted at the Beirut Summit on 28 March 2002 and approved by the Security Council.

The Government of Lebanon expresses to you its appreciation for your untiring efforts in support of the role of the United Nations Interim Force in Lebanon.

I should be grateful if you have the present letter circulated as a document of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative